

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

**Rule making related to school transportation services
provided by regional transit systems under contract with local schools**

The Transportation Department hereby amends Chapter 911, “School Transportation Services Provided by Regional Transit Systems,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 307.12 and 321.377.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.1 and 321.377.

Purpose and Summary

This rule making corrects the name of the Modal Transportation Bureau and updates the definition of “automobile” to include the specific subsection within Iowa Code section 321.1 so the definition can be found easily.

The amendments add new paragraph 911.6(7)“b” to explain the need to submit a current medical examiner’s certificate upon a commercial driver’s license issuance or renewal in order to comply with the Federal Motor Carrier Safety Administration’s regulations concerning license type and the need for a medical examiner certificate.

The amendments also adopt the Code of Federal Regulations (CFR) dated October 1, 2021, for 49 CFR Part 38, Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles; 49 CFR Part 571, Federal Motor Vehicle Safety Standards; and 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations. While the CFR date in subrule 911.5(1) has not been updated since 2017, no final changes to 49 CFR Part 38 have occurred during that time. However, the following list provides a specific description of the amendments to 49 CFR Part 571 and 49 CFR Part 655 that have become final and effective from October 2, 2017, through October 1, 2021, that affect Chapter 911:

Part 571 (FR Vol. 83, No. 75, Pages 17091-17093)

This is a correction to a figure concerning standard No.217, bus emergency exits and window retention and release, that was revised on October 1, 2017.

Part 655 (FR Vol. 84, No. 78, Pages 16770-16775, 4-23-19)

This final rule made minor technical corrections to the Office of the Secretary of Transportation, Federal Aviation Administration, Federal Transit Administration and Pipeline and Hazardous Materials Safety Administration’s regulations governing drug testing for safety-sensitive employees. This final rule ensures consistency with the amendments to the U.S. Department of Transportation’s regulation “Procedures for Transportation Workplace Drug and Alcohol Testing Programs,” which added requirements to test for oxycodone, oxymorphone, hydrocodone, and hydromorphone to the U.S. Department of Transportation-regulated drug testing programs. The changes to the U.S. Department of Transportation’s regulation make it necessary to refer to these substances, as well as the previously covered drugs morphine, 6-acetylmorphine, and codeine, by the more inclusive term “opioids,” rather than “opiates.”

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 5, 2022, as **ARC 6572C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on November 9, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 4, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 911.1(2) as follows:

911.1(2) Information. Information and forms may be obtained from the ~~Office of Public Transit~~ Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870; or the department's website at www.iowadot.gov.

ITEM 2. Amend rule **761—911.2(321,324A)**, definition of "Automobile," as follows:

"Automobile" means the same as defined in Iowa Code section ~~321.1~~. 321.1(42)"d."

ITEM 3. Amend subrule 911.5(1) as follows:

911.5(1) Code of Federal Regulations. The department of transportation adopts the following portions of the ~~October 1, 2017~~ October 1, 2021, Code of Federal Regulations, which are referenced throughout this chapter:

- a. 49 CFR Part 38, Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- b. 49 CFR Part 571, Federal Motor Vehicle Safety Standards.
- c. 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

ITEM 4. Amend subrule 911.6(7) as follows:

911.6(7) Physical fitness.

- a. Each driver who transports students must undergo a physical examination by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners in accordance

with Iowa Code section 321.375(1)“d” and with department of education rule 281—43.15(285) or 281—43.17(285). Annually, the driver must submit the signed medical examiner’s certificate to the driver’s employer.

b. Upon a commercial driver’s license issuance or renewal, the driver shall self-certify as to the type of driving the driver does and, if required, provide a current medical examiner’s certificate to the department unless the driver’s medical examiner’s certification is provided to the department electronically by the Federal Motor Carrier Safety Administration pursuant to 761—paragraph 607.37(1)“a” and 761—subrule 607.50(2).

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/22.